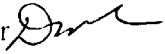


COUNTY OF YORK

MEMORANDUM

DATE: November 22, 1999 (BOS Mtg. 12/1/99)
TO: York County Board of Supervisors
FROM: Daniel M. Stuck, County Administrator 
SUBJECT: Property Acquisition to Support the Yorktown Master Plan Implementation

In accordance with the Board's authorization, I have transmitted to Mr. Gil Granger the County's formal offer to purchase the vacant property that he owns on the Yorktown waterfront (bounded by Ballard, Buckner and Water Streets). This offer was conveyed to Mr. Granger in my letter dated November 8, 1999 (copy attached). Mr. Granger has not responded to this offer as of the date of this memorandum. In anticipation that no response will be received by the close of business on December 1st, I have prepared the attached resolution for the Board's consideration. Adoption of this resolution will authorize the County Attorney to file the necessary condemnation petition and to do all other things necessary to process the condemnation action for this property. It should be noted that adoption of the resolution will not prevent the County from entering into negotiations with Mr. Granger, should he show an interest in resolving this matter without necessity of a condemnation proceeding.

The purpose of this acquisition is to provide an area on the waterfront that can be improved as a public parking facility. As you will recall, a preliminary design concept has been developed by Carlton Abbott and shows a capacity of approximately 66 vehicles if used as a traditional parking lot and the possibility of a second level being added (to create a parking deck or "terrace" to use the terminology used in Williamsburg in the Northington block), which would double the capacity. The advantage of the parking terrace concept is that it could use the natural grade of Buckner and Ballard Streets to provide access to the second level. This parking facility, whether a surface-level or parking deck arrangement, will provide convenient off-street parking to support the variety of existing and potential uses on the waterfront.

My recommendation to act now is based on the relatively long lead time that will be required for acquisition of the property, and design and construction of a parking facility. Proceeding now will allow this to be coordinated with the other work planned for the waterfront and will ensure that the facility is available as those facilities are completed and occupied (and the demand for parking grows).

In summary, I believe that acquisition of this property is critical to the successful implementation of the Yorktown Master Plan. Furthermore, I believe that it is essential, for a number of reasons, to pursue the acquisition now in order to stay on target for completion of the Plan implementation by the 2006 target date desired by the Board. Please let me know if you have questions or desire additional information.

I recommend adoption of proposed Resolution No. R99-228.

Carter/3337:jmc
Attachment: R99-228

13b

COUNTY OF YORK



COUNTY ADMINISTRATOR
Daniel M. Struck

BOARD OF SUPERVISORS

Walter C. Zaremba
District 1
Sheila S. Noll
District 2
Albert R. Meadows
District 3
James W. Funk
District 4
Jere M. Mills
District 5

VIRGINIA

November 8, 1999

Gilbert L. Granger, President
G-Square, Inc.
302 Harrison Avenue
Williamsburg, Virginia 23185

Dear Mr. Granger:

As I had indicated to you in my letter of September 9, 1999, the County of York desires to purchase the .88 acre parcel owned by G-Square, Inc., located at 400 Water Street in Yorktown. The property is identified on the County's tax maps as Parcel 18A-09-00-000A1. I am authorized and directed by the Board of Supervisors to offer you, for and in the name of the County of York, the total sum of \$213,000.00 for the entire parcel. This price is based upon an appraisal performed by the County's chief Real Estate Appraiser and reflects what I believe to be the full fair market value of the parcel. The appraisal found a fair market value for your property of \$5.50 per square foot, or \$240,895 per acre. That works out to the price stated above for the .8842 acres which the County's land records show to be contained within your parcel. The appraisal assumed that the parcel could be developed commercially as approved by the County Board of Supervisors on December 7, 1989.

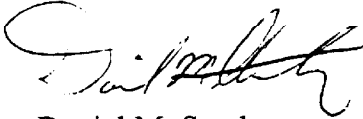
If you are willing to accept the County's offer, kindly indicate your intent to do so by signing the enclosed copy of this letter in the space indicated and returning it to me in the self-addressed, stamped envelope which is also enclosed. Once we receive the letter from you, we will contact you to make arrangements for you to sign the necessary deed. The County will be happy to prepare the deed and pay for all costs of recordation. Real estate taxes will be apportioned as of the date of settlement, which I anticipate would take place no later than 30 days following receipt of your letter.

Gilbert L. Granger, President
November 8, 1999
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As I have indicated, if we are unable to agree on a mutually satisfactory price for the property and are unable to arrange a voluntary purchase of the property by the County, I believe the Board of Supervisors is prepared to authorize acquisition of the parcel by condemnation. Consequently, this offer is being made in conformance with Section 25-46.5 of the Code of Virginia, which requires a bona fide effort to purchase property before condemnation proceedings are initiated.

Please feel free to contact me with any questions or comments you may have. Nonetheless, I plan to place a resolution before the County Board of Supervisors at its meeting of December 1, 1999 authorizing acquisition of the property by condemnation if we have not successfully concluded negotiations for a purchase prior to that time. If I have not heard from you by the close of business on December 1, I will assume that you have refused this offer.

Sincerely yours,



Daniel M. Stuck
County Administrator

JEB/swh
Enclosures

Accepted this ____ day of _____, 1999.

Gilbert L. Granger

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in the Board Room, York County Finance Building, Yorktown, Virginia, on the ____ day of ____, 1999:

Present

Vote

Sheila S. Noll, Chairman
James W. Funk, Vice Chairman
Walter C. Zaremba
Albert R. Meadows
Jere M. Mills

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION DIRECTING THE ACQUISITION OF REAL PROPERTY BY CONDEMNATION, OR OTHER MEANS, AND APPROVING THE PROPOSED PUBLIC USE THEREFORE.

WHEREAS, the Board desires to purchase a parcel of real estate consisting of approximately 0.88 acres owned G-Square, Inc., and located at 400 Water Street in Yorktown, identified on the County's tax map as parcel 18 A-09-00-00A1; and

WHEREAS, the Board desires to utilize the property as a public parking facility for the benefit of individuals using the facilities at the Yorktown Waterfront or patronizing any of the businesses which may now or in the future be located at or adjacent to the waterfront; and

WHEREAS, the Board deems that the acquisition of the property, and its utilization as stated, constitutes a valid public purpose necessitating the acquisition of the property; and

WHEREAS, the owner of the property has refused an offer made by the County Administrator, which offer is deemed by this Board to represent fair and adequate consideration for the parcel.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this ____ day of _____, 1999, that this Board does hereby approve the proposed public use of the property as described above.

BE IT FURTHER RESOLVED that this Board directs the County Administrator and the York County Attorney to take such actions as may be required to acquire the property for such public use by condemnation or by other means. The County Administrator and the County Attorney are hereby authorized, without limitation, to institute appropriate condemnation proceedings in the York County Circuit Court for condemnation of the property, and to pay into the Court such amounts as may be determined to be the fair market value of the property together with any other damages or costs which the Court may assess, or to accept and record a deed from the owner in lieu of condemnation.